

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
OnStar Corporation Petition for	)	
Declaratory Rulemaking	)	CC Docket No. 94-102
	)	
Applicability of the Commission's E911 Phase II	)	
Requirements for Wireless "Handsets" to	)	
In-vehicle, Embedded Telematics Units	)	

**COMMENTS OF INTRADO INC.**

Pursuant to the Public Notice released December 20, 2002, Intrado Inc. (Intrado)<sup>1</sup> hereby submits these comments in opposition to the Petition for Declaratory Ruling<sup>2</sup> filed by OnStar Corporation (OnStar) in the above captioned proceeding. OnStar seeks clarification of the Commission's rules regarding the applicability of Phase II requirements to telematics units and furthermore seeks clarification that telematics units are not included in calculating its handset activation compliance requirements.

OnStar argues that embedded telematics devices should not be treated as handsets and therefore not subject to the Commission's E911 Phase II requirements at this time. OnStar contends that the assumptions concerning conventional handset technology on which the Commission's E911 Phase II decisions are based are not applicable to embedded telematics

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<sup>1</sup> Founded in 1979, Intrado (NasdaqNM: TRDO) is the nation's leading provider of sophisticated solutions that identify, manage and deliver mission critical information for telecommunications providers and public safety organizations.

<sup>2</sup> OnStar Corporation Petition for Declaratory Ruling, CC Docket No. 94-102, filed December 3, 2002 (OnStar Petition).

devices. Additionally, OnStar contends that embedded telematics units should not be treated as handsets in calculating compliance with the underlying wireless licensee's handset activation requirements. For the reasons set forth below, Intrado disagrees with OnStar's contentions and believes that OnStar and all telematics service providers should be subject to the Commission's E911 rules.

### **BACKGROUND AND DISCUSSION**

OnStar seeks a declaratory ruling requesting that the Commission clarify its regulations to find that embedded telematics units are not handsets as that term is used in the Commission's wireless 911 Orders. Section 20.3 defines handset-based location technology in part as a method of providing the location of wireless 911 callers that requires the use of special location-determining hardware and/or software in a portable or mobile phone<sup>3</sup>. OnStar's request is premised on the argument that the term "handset" has created uncertainty regarding OnStar's obligations as it migrates to a digital embedded telematics system. Intrado submits that OnStar is not requesting a clarification of the Commission's existing rules, but rather is requesting a waiver of those rules for its telematics services. For this reason alone, OnStar's petition for declaratory ruling should be denied.

OnStar argues that its device is not a conventional handset nor is it a portable unit as it cannot be removed from the vehicle. The Commission's current rules impose location accuracy requirements on wireless carriers without making a distinction between portable and mobile devices. Rather than focusing on the type of device providing Onstar's telematics service,

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<sup>3</sup> Wireless E911 Third Report and Order, 14 FCC Rcd at 17435 (App. B); *see* 47 C.F.R. §20.3

whether it is mobile or portable, the Commission should examine the type of service offered by OnStar.

In addition to offering safety and concierge services, OnStar's offerings also include wireless calling services that utilize the embedded telematics unit. While OnStar might argue that its telematics devices are not portable, they *are* mobile and should be required to provide location-based accuracy just like every other wireless service provider. The fact that the telematics device is built into the car rather than held in the user's hand should make no difference as to whether the service provided by that device should fall under the FCC requirements for 911 wireless service.

#### **EMBEDDED TELEMATICS SHOULD BE TREATED AS HANDSETS**

As OnStar accurately describes in its petition, telematics devices combine electronic sensors in automobiles with wireless communication devices equipped with location-determination capabilities connected to a call center. These devices provide users a new level of traveling convenience and safety with a variety of features, such as emergency roadside assistance, stolen vehicle tracking, navigation assistance, remote vehicle unlock, and concierge services. A key design of these devices is that the consumer actively initiates their services by pressing a button in the vehicle. The resulting event is a communications link with a telematics call center.

The distinction that should be drawn here is the one between the Call Center Based (CCB) services and the Voice Activated Wireless services. Under the CCB services offering, the telematics device, while GPS equipped, does not perform like a standard wireless set. The subscriber can only communicate with the Call Center Service Bureau and not the outside world.

Any emergency calls for assistance to the Call Center remain in a private wireless network and therefore are not processed as wireless 911 calls are. If this were OnStar's only application for its services, then it could be argued that the telematics device should be excluded from Commission Phase I and Phase II requirements.

As noted above though, the very offering of Voice Activated Wireless Calling services should place OnStar squarely under the Commission's mandates for wireless 911 Phase I and II delivery. Indeed, OnStar's wireless service offerings appear to be nothing more than the resale of regular wireless service. It is immaterial that the set is hardwired into a vehicle and does not look like a traditional wireless phone. It functions in the same capacity as a handset and therefore should have the same functionality for 911. The provisioning of Voice Activated Wireless Calling deems the telematics device a wireless handset subject to the Commission's 911 wireless mandates.

### **MIGRATION TO DIGITAL SERVICES SHOULD NOT EXEMPT ONSTAR**

The current 911 infrastructure has developed over the last thirty years and contains many legacy telephony components that are still used only by public safety. Due to the technical limitations in the 911 network, the flexibility of the current network is limited in its ability to accept new technologies. This is true for wireless service providers as well as telematics service providers.

OnStar relies on its plans to migrate toward a digital network to support its argument for having embedded telematics services exempt from the Commission's Phase II requirements. Yet OnStar's concerns are really no different than those faced by wireless carriers as they work to adapt their 2G and 3G technology to meet Phase II requirements. OnStar fails to take into account that the difficulties in providing 911 call location information to the PSAP as a result of

the disparity in location determination technology deployments also impacts current traditional handset wireless instruments. OnStar's telematics device was originally engineered and designed around a GPS service that is not employed in the engineering and design of location determination technologies for use in wireless telephone exchange service. OnStar's technology is sufficient for emergency and ACN applications to the Call Center, as the data needs only to be delivered to the Call Center via the private wireless network. However, OnStar has expanded its telematics offerings to include wireless services that utilize the wireless exchange access service and the Public Switched Telephone Network (PSTN).

This expansion of services has now required OnStar to reconcile the different GPS technologies in order to provide Phase II calling. OnStar states that the reconciliation of the chipsets and wireless networks to accommodate these differences adds critical technological risk to the telematics transition to digital technology. OnStar acknowledges that the Commission requires wireless carriers to implement Phase II location determination regardless of the technologies used, yet seems to ignore that wireless carriers must also take on technological risk in order to do so. Adaptation or migration to digital networks should not serve to grant waivers for embedded telematics devices; devices that are capable of voice activated wireless calling for the delivery of 911 calls.

**THE PUBLIC INTEREST IS BETTER SERVED BY REQUIRING  
E911 REQUIREMENTS ON TELEMATICS DEVICES**

OnStar states in its petition that the cornerstone of its telematics services is an offering of location-based safety and security services. It is somewhat disingenuous however, for OnStar to argue on one hand that its cornerstone offering is public safety, yet on the other hand, argue that its services are not subject to the very rules that improve safety and security for its users.

Moreover, all telematics services<sup>4</sup> should be subject to the Commission's Phase II requirements because, simply put, the service is less than ideal for the public safety community's use. Under the current telematics Call Center based system design, an emergency call placed through OnStar is delivered to the Call Center who in turn, relays the call and any relevant information to the appropriate PSAP via the public switch telephone network.

These calls are delivered via the PSTN into the PSAP on a local telephone exchange access line. These lines generally do not have the same priority or urgency as a 911 call that traverses the current dedicated 911 network on a dedicated trunk into the PSAP and more importantly, these lines do not have location information needed to address the emergency. Furthermore, these lines often do not have Caller ID capabilities and for those lines equipped with Caller ID, the number presented on the PSAP terminal would only represent the Call Center number and not the actual subscriber.

OnStar clearly recognizes the importance of call priority when it states that the ACN and emergency calls rate a higher answering priority within the Call Center. Unfortunately, that priority or urgency is lost when the Call Center delivers the call to a PSAP, the very entity that

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<sup>4</sup> Telematics services includes both those that are exclusively Call Center Based that are reliant on private wireless technologies and Voice Activated Calling that is reliant on wireless exchange access service.

needs to receive the call as a 911 call priority<sup>5</sup>. The unintended result is that the telematics subscriber may be lead to a false sense of security when the emergency service offering in the embedded telematics service is inferior to that service offered from a wireless provider who is subject to FCC 911 requirements.

### **CONCLUSION**

For these reasons, Intrado respectfully requests that the Commission denies OnStar's request for declaratory ruling and affirms the applicability of the Commission's E911 phase II requirements for wireless handsets to in-vehicle, embedded telematics units.

Respectfully Submitted,

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<sup>5</sup> This shortcoming should be examined by the FCC in its Further Notice of Proposed Rulemaking; CC Docket No. 94-102 and IB Docket No. 99-67; adopted December 11, 2002.